

1IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE
NWC Carroll St. and Landington * ZONING COMMISSIONER
Avenue
5617 Carroll Street * OF BALTIMORE COUNTY
1st Election District
1st Councilmanic District * Case No. 96-175-SPHA
Bismarck G. Castaneda, et ux
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Zoning Variance for the property located at 5617 Carroll Street in the Catonsville Manor subdivision of Baltimore County. The Petition is filed by Bismarck G. Castaneda and Silvia A. Castaneda, his wife, property owners. Variance relief is requested from Section 402 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 3 ft. and the sum of both sides of 23 ft. in lieu of the required 15 ft. and 40 ft., respectively. Special Hearing relief is requested to allow an in-law apartment and to amend the last approved plan and Order in case No. 79-257-A. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1., the plat to accompany the Petitions for Special Hearing and Variance.

Appearing at the public hearing held for this case was Bismarck G. Castaneda, property owner. There were no Protestants or other property owners present.

Testimony and evidence offered is that the subject property is 2.4 acres in area, zoned D.R.5.5. The site is located at the southern corner of the intersection of Carroll Street and Landington Avenue in Catonsville. Presently, the property is improved with an existing dwelling known as 5617 Carroll Street. Apparently, in 1979, the Petitioners requested zoning relief to permit an attached garage. Relief was granted

MICROFILMED

FILED FOR FILING
12/29/95
M. G. Castaneda

at that time under case No. 79-257-A. The relief granted allowed for the construction of the attached garage with a setback of 3 ft. from the side yard property line.

Mr. Castaneda now proposes constructing an addition over the garage. This addition will be 29 ft. x 48 ft. slightly larger than the garage. Specifically, although the addition will be the same width as the garage (29 ft.) it will be slightly deeper (48 ft. versus 44 ft.). The proposed addition will be 2 ft. deeper at each end. The addition is proposed to provide living quarters for Mr. Castaneda's mother. He indicated that she is elderly and presently resides with other family members. These family members are moving out of state and Mr. Castaneda proposes the subject addition to provide living quarters for her. The addition will contain a small bedroom, bath, living room and kitchen area. Access will be via steps from the garage.

It is to be noted that the addition will be no closer to the property line than the existing garage. Moreover, the height of the addition, over top of the garage, will not exceed the height of the house. Thus, it appears that the addition is in keeping with the present use of the subject property and the existing community. There were no Protestants present.

Based on the testimony and evidence offered, all of which is uncontradicted, I am persuaded to grant the relief requested. The testimony and evidence offered was sufficient to satisfy the standards contained within Section 307 of the BCZR, as to the variance. Moreover, I am persuaded that the proposed construction will not detrimentally affect the surrounding properties or the neighborhood at large.

RECEIVED FOR FILING
12/29/95
BY *M. G. G. G.*

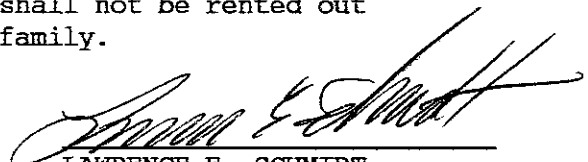
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of December, 1995 that a variance from Section 402 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 3 ft. and the sum of both sides of 23 ft. in lieu of the required 15 ft. and 40 ft., respectively, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to Petition for Special Hearing relief approval to allow an in-law apartment and to amend the last approved plan and Order in case No. 79-257-A, be and is hereby GRANTED; subject, however, to the following conditions which are precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The occupancy of the in-law apartment shall be restricted to the Petitioner's mother, and/or other family members, and shall not be rented out to any non-members of the family.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

RECEIVED FOR FILING
12/29/95
M. G. Cook

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 3, 1996

Mr. and Mrs. Bismarck G. Castaneda
5617 Carroll Street
Baltimore, Maryland 21207

RE: Petitions for Special Hearing and Variance
Property: 5617 Carroll St.
Case No. 96-175-SPHA

Dear Mr. and Mrs. Castaneda:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.



RECEIVED



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5617 Carroll St. Balto. Md. 21207

which is presently zoned DR 5.5

96-175-A

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve 402.1

To convert a dwelling into two family (in-law apartment) sooner than the 5 years required for eligibility and to amend the last approved plan and order in case #79-257-A.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s).

Bismarck G. Castaneda

(Type or Print Name)

Signature

Silvia A. Castaneda

(Type or Print Name)

Signature

5617 Carroll St. (410) 788-3182

Address

Phone No

Balto. Md.

21207

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

10/23/95



Revised 9/5/95

RECEIVED

173



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5617 Carroll St. Balto. Md. 21207

96-175-A

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 402

To allow a side yard setback of 3 feet and sum of both sides of 23 feet in lieu of the required 15 feet and 40 feet, respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

I would like to build an " In-Law " apartment on a 2nd story addition over an Existing attached garage that was approved by Zoning Petition # 79-257A Item #177 ,petition was for variance for side yard setback at Southeast corner of Carroll st. And Landington Ave.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

Bismarck G. Castaneda

(Type or Print Name)

Signature

Silvia A. Castaneda

(Type or Print Name)

Signature

5617 Carroll St. (410)788-3182

Address

Phone No

Balto.

Md.

21207

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

10/23/95



Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

ZONING DESCRIPTION - 96-175-A

ZONING DESCRIPTION FOR: 5617 Carroll St. Balto. Md. 21207

Beginning at a point on the S 36 10' E side of

Carroll St. Which is 40' R/w

wide at the distance of: 100' S 36 10' E of the

centerline of the nearest improved intersecting street Landington Ave.

which is 40' R/W wide Being Lot #s 23,24,25,26 and 27

Block 18 Section # in the subdivision of Catonsville Manor

as recorded in Baltimore County Plat Book # 4, Folio # 160

containing 10500 Sq/Ft. Also known as 5617 Carroll St.

and located in the 1st Election District ↓ Councilmanic District

Zoned DR 5.5

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-179-SPHA

District 1ST

Date of Posting

11/17/95

Posted for:

Special Hearing & Hearing

Petitioner:

B's Market & Sillig Costumed

Location of property:

5017 Carroll St

Location of Sign:

Flags and signs are already being removed

Remarks:

Posted by

[Signature]
Signature

Date of return:

11/24/95

Number of Signs:

1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 21, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 16, 1992.

THE JEFFERSONIAN,

A. H. Henderson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #98-175-SP/A (Item 173)

5517 Carroll Street
NW; Carroll Street and Landington Avenue
1st Election District
1st Contaminant
Legal Owner(s):
Bernard G. Castaneda and Silvia A. Castaneda

Hearing: Monday, December 4, 1995 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing: to convert a dwelling into two-family (in-law apartment) sooner than the 5 years required for eligibility and to amend the last approved plan and order in case #79-257-A, Variance; to allow a side yard setback of 3 feet and sum of both sides of 23 feet in lieu of the required 15 feet and 40 feet, respectively, LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the file and/or hearing, Please Call 887-3353, ext. 300 or 301.
11/19/91 Nov. 18, 017289

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

DATE 10-23-95 ACCOUNT 96-175-A
D-001-015-000

AMOUNT \$ 135.00

RECEIVED CASTANEDA
FROM: CIO - VAR. BSC ITEM # 173
Q30 - SDH BSC
Q40 - SIGN BSC TAKEN BY JRF

FOR: 100000
01/31/400725042 135.00
BA 0012100K10-25-95

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 173 Petitioner: BISMARCK G. CASTANEDA

Location: 5617 CARROLL ST. BALTO. Md. 21207

PLEASE FORWARD ADVERTISING BILL TO:

NAME: BISMARCK G. CASTANEDA.

ADDRESS: 5617 CARROLL ST.

BALTIMORE, Md. 21207

PHONE NUMBER: (410) 788-3182



TO: PUTUMENT PUBLISHING COMPANY

November 16, 1995 Issue - Jeffersonian

Please forward billing to:

Bismarck G. Castaneda
5617 Carroll Street
Baltimore, MD 21207
788-3182

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-175-A Item 173
5617 Carroll Street
NWC Carroll Street and Landington Avenue
1st Election District - 1st Councilmanic
Legal Owner: Bismarck G. Castaneda and Silvia A. Castaneda

Special Hearing to convert a dwelling into two-family (in-law apartment) sooner than the 5 years required for eligibility and to amend the last approved plan and order in case #79-257-A.
Variance to allow a side yard setback of 3 feet and sum of both sides of 23 feet in lieu of the required 15 feet and 40 feet, respectively.

HEARING: MONDAY, DECEMBER 4, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

RECORDED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 7, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-175-A Item 173
5617 Carroll Street
NWC Carroll Street and Landington Avenue
1st Election District - 1st Councilmanic
Legal Owner: Bismarck G. Castaneda and Silvia A. Castaneda

Special Hearing to convert a dwelling into two-family (in-law apartment) sooner than the 5 years required for eligibility and to amend the last approved plan and order in case #79-257-A.
Variance to allow a side yard setback of 3 feet and sum of both sides of 23 feet in lieu of the required 15 feet and 40 feet, respectively.

HEARING: MONDAY, DECEMBER 4, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Bismarck and Silvia Castaneda

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 29, 1995

Mr. and Mrs. Castaneda
5617 Carroll Street
Baltimore, MD 21207

RE: Item No.: 173
Case No.: 96-175-SPHA
Petitioner: S. A. Castaneda, et ux

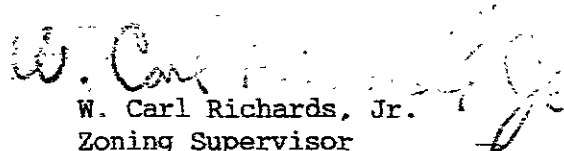
Dear Mr. and Mrs. Castaneda:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 23, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: November 7, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 5617 Carroll St.

INFORMATION:

Item Number: 173

Petitioner: Castaneda Property

Property Size: _____

Zoning: DR-5.5

Requested Action: Special Hearing

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

Staff does not oppose the applicant's request; however, the dwelling should once again function as a single-family residence at such time as a family member ceases to reside in the in-law apartment.

Prepared by: Jeffrey W. Long

Division Chief: Gregory L. Keene

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 16, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for November 13, 1995
Items 172, 173, 176, and 180

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/07/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson MD 21204
MAIL STOP 1103

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF NOV. 6, 1995

Item No.: SEE BELOW

Zoning Agenda:

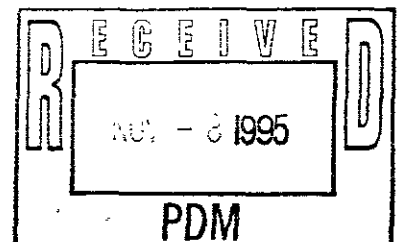
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 172, 173, 174, 175, 176,
180 AND 181. **S**

RECEIVED

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS 1102F





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

11-6-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 173 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

11-6-95

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
5617 Carroll Street, NWC Carroll Street	*	ZONING COMMISSIONER
and Landington Ave. 1st Election District,		
1st Councilmanic	*	OF BALTIMORE COUNTY
Bismarck G. and Silvia A. Castaneda	*	CASE NO. 96-175-SPHA
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Bismarck G. and Silvia A. Castaneda, 5617 Carroll Street, Baltimore, MD 21207, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: 5617 CARROLL ST

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: CATONS VILLE MANOR

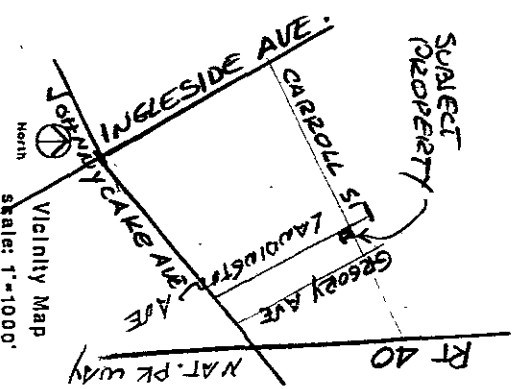
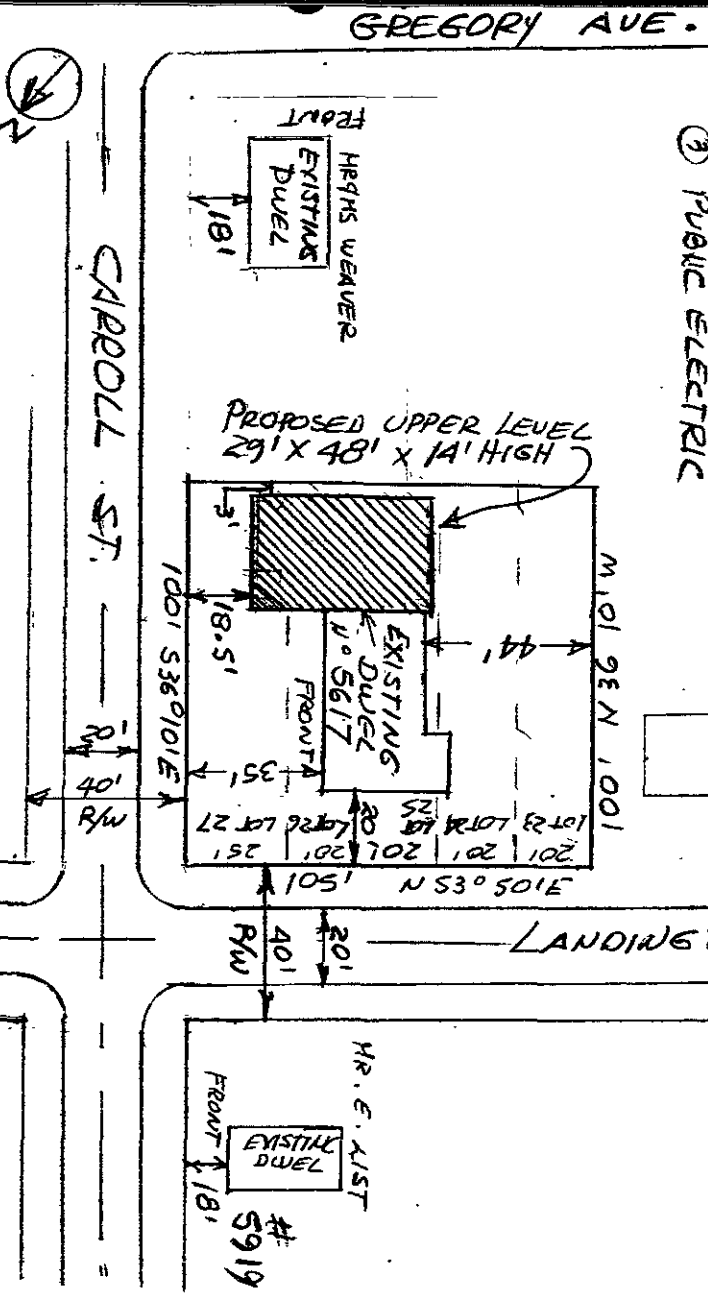
Plat book # 4, folio # 160, lot # 1B, section #

OWNER: BISHARCK & SILVIA CASTANEDA

96-175-A

Ref No 1

- UTILITIES
- ① PUBLIC WATER
 - ② PUBLIC SEWER
 - ③ PUBLIC ELECTRIC



LOCATION INFORMATION

Election District: 1

Councilmanic District: 1

1"=200' scale map#: SW 1F

Zoning: DR 5.5

Lot size: 0.24 10500.00

acreage square feet

public private

SEWER: ☒ ☐

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: YES (CARROLL ST.)

PETITION # 79-257A ITEM # 177

Zoning Office USE ONLY

reviewed by: ITEM #: CASE #:

North

date: 10-15-95

prepared by: THE OWNER

Scale of Drawing: 1"=50'

DEAD END ST.

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE * ZONING COMMISSIONER
NWC Carroll St. and Landington * OF BALTIMORE COUNTY
Avenue *
5617 Carroll Street *
1st Election District * Case No. 96-175-SPHA
1st Councilmanic District *
Bismarck G. Castaneda, et ux *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Zoning Variance for the property located at 5617 Carroll Street in the Catonsville Manor subdivision of Baltimore County. The Petition is filed by Bismarck G. Castaneda and Silvia A. Castaneda, his wife, property owners. Variance relief is requested from Section 402 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 3 ft. and the sum of both sides of 23 ft. in lieu of the required 15 ft. and 40 ft., respectively. Special Hearing relief is requested to allow an in-law apartment and to amend the last approved plan and Order in case No. 79-257-A. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1., the plat to accompany the Petitions for Special Hearing and Variance.

Appearing at the public hearing held for this case was Bismarck G. Castaneda, property owner. There were no Protestants or other property owners present.

Testimony and evidence offered is that the subject property is 2.4 acres in area, zoned D.R.5.5. The site is located at the southern corner of the intersection of Carroll Street and Landington Avenue in Catonsville. Presently, the property is improved with an existing dwelling known as 5617 Carroll Street. Apparently, in 1979, the Petitioners requested zoning relief to permit an attached garage. Relief was granted

at that time under case No. 79-257-A. The relief granted allowed for the construction of the attached garage with a setback of 3 ft. from the side yard property line.

Mr. Castaneda now proposes constructing an addition over the garage. This addition will be 29 ft. x 48 ft. slightly larger than the garage. Specifically, although the addition will be the same width as the garage (29 ft.) it will be slightly deeper (48 ft. versus 44 ft.). The proposed addition will be 2 ft. deeper at each end. The addition is proposed to provide living quarters for Mr. Castaneda's mother. He indicated that she is elderly and presently resides with other family members. These family members are moving out of state and Mr. Castaneda proposes the subject addition to provide living quarters for her. The addition will contain a small bedroom, bath, living room and kitchen area. Access will be via steps from the garage.

It is to be noted that the addition will be no closer to the property line than the existing garage. Moreover, the height of the addition, over top of the garage, will not exceed the height of the house. Thus, it appears that the addition is in keeping with the present use of the subject property and the existing community. There were no Protestants present.

Based on the testimony and evidence offered, all of which is uncontradicted, I am persuaded to grant the relief requested. The testimony and evidence offered was sufficient to satisfy the standards contained within Section 307 of the BCZR, as to the variance. Moreover, I am persuaded that the proposed construction will not detrimentally affect the surrounding properties or the neighborhood at large.

-2-

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of December, 1995 that a variance from Section 402 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 3 ft. and the sum of both sides of 23 ft. in lieu of the required 15 ft. and 40 ft., respectively, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to Petition for Special Hearing relief approval to allow an in-law apartment and to amend the last approved plan and Order in case No. 79-257-A, be and is hereby GRANTED; subject, however, to the following conditions which are precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The occupancy of the in-law apartment shall be restricted to the Petitioner's mother, and/or other family members, and shall not be rented out to any non-members of the family.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

-3-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 3, 1996

Mr. and Mrs. Bismarck G. Castaneda
5617 Carroll Street
Baltimore, Maryland 21207

RE: Petitions for Special Hearing and Variance
Property: 5617 Carroll St.
Case No. 96-175-SPHA

Dear Mr. and Mrs. Castaneda:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.

Printed with Soybean Ink
on Recycled Paper



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 5617 Carroll St., Balto., Md. 21207
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve 402.

To convert a dwelling into two family (in-law apartment) sooner than the 5 years required for eligibility and to amend the last approved plan and order in case #79-257-A.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

Type or Print Name:

Signature:

Address:

City State Zipcode:

Attorney for Petitioner:

Type or Print Name:

Signature:

Address:

City State Zipcode:

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Bismarck G. Castaneda

Type or Print Name:

Signature:

Silvia A. Castaneda

Type or Print Name:

Signature:

5617 Carroll St. (410) 788-3182

Balto., Md. 21207

City State Zipcode

Name, Address and phone number of representative to be contacted

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Name, Address and phone number of representative to be contacted

Signature:

Address:

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 10-23-95 ACCOUNT: E-001-615 000

AMOUNT: \$135.00

RECEIVED FROM: CASTANEDA
010 - VAR 30 ITEM # 173
090 - SNA 834
040 - SIGN 835 TAKEN BY JEP

FOR: DUBIN0078M1CHRC \$135.00
BA CUL2:00P410-23-95

VALIDATION OR SIGNATURE OF CASHIER
WCR/jw

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 173 Petitioner: BISHARCK G. CASTANEDA
Location: 5617 CARROLL ST. BALTO. MD. 21207

PLEASE FORWARD ADVERTISING BILL TO:
NAME: BISHARCK G. CASTANEDA
ADDRESS: 5617 CARROLL ST.
BALTIMORE, MD. 21207
PHONE NUMBER: (410) 788-3187

TO: POTOMAC PUBLISHING COMPANY
November 16, 1995 Issue - Jeffersonian

Please forward billing to:
Bismarck G. Castaneda
5617 Carroll Street
Baltimore, MD 21207
788-3182

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-175-A Item 173
5617 Carroll Street
W.C. Carroll Street and Landington Avenue
1st Election District - 1st Councilmanic
Legal Owner: Bismarck G. Castaneda and Silvia A. Castaneda

Special Hearing to convert a dwelling into two-family (in-law apartment) sooner than the 5 years required for eligibility and to amend the last approved plan and order in case #79-257-A.
Variance to allow a side yard setback of 3 feet and sum of both sides of 23 feet in lieu of the required 15 feet and 40 feet, respectively.

HEARING: MONDAY, DECEMBER 4, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 7, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-175-A Item 173
5617 Carroll Street
W.C. Carroll Street and Landington Avenue
1st Election District - 1st Councilmanic
Legal Owner: Bismarck G. Castaneda and Silvia A. Castaneda

Special Hearing to convert a dwelling into two-family (in-law apartment) sooner than the 5 years required for eligibility and to amend the last approved plan and order in case #79-257-A.
Variance to allow a side yard setback of 3 feet and sum of both sides of 23 feet in lieu of the required 15 feet and 40 feet, respectively.

HEARING: MONDAY, DECEMBER 4, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Bel Jablon
Arnold Jablon
Director

cc: Bismarck and Silvia Castaneda

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 29, 1995

Mr. and Mrs. Castaneda
5617 Carroll Street
Baltimore, MD 21207

RE: Item No.: 173
Case No.: 96-175-SPHA
Petitioner: S. A. Castaneda, et ux

Dear Mr. and Mrs. Castaneda:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 23, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the agency or Joyce Watson in the zoning office (887-3351).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: November 7, 1995
FROM: Pat Keller, Director, OP
SUBJECT: 5617 Carroll St.

INFORMATION:

Item Number: 173
Petitioner: Castaneda Property
Property Size:
Zoning: DR-5.5
Requested Action: Special Hearing
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Staff does not oppose the applicant's request; however, the dwelling should once again function as a single-family residence at such time as a family member ceases to reside in the in-law apartment.

Prepared by: J. N. Long
Division Chief: G. L. Kern
PK/JL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Nov. 16, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for November 13, 1995
Items 172, 173, 176, and 180

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 11/29/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP 1105

RE: Property Owner: SEE BELOW
LOCATION: DISTRIBUTION MEETING OF NOV. 6, 1995
Item No.: SEE BELOW Zoning Agenda:
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 172, 173, 176, 177, 178, 180 AND 183.

REVIEWER: LT. ROBERT P. GOWERHOLD
Fire Marshal's Office, PHONE 887-4600, MS 1104

RECEIVED
NOV - 3 1995
PDM

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 173 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

✓ Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
5617 Carroll Street, NWC Carroll Street	*	ZONING COMMISSIONER
and Landington Ave. 1st Election District,		
1st Councilmanic	*	OF BALTIMORE COUNTY
Bismarck G. and Silvia A. Castaneda	*	CASE NO. 96-175-SPHM
Petitioners		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

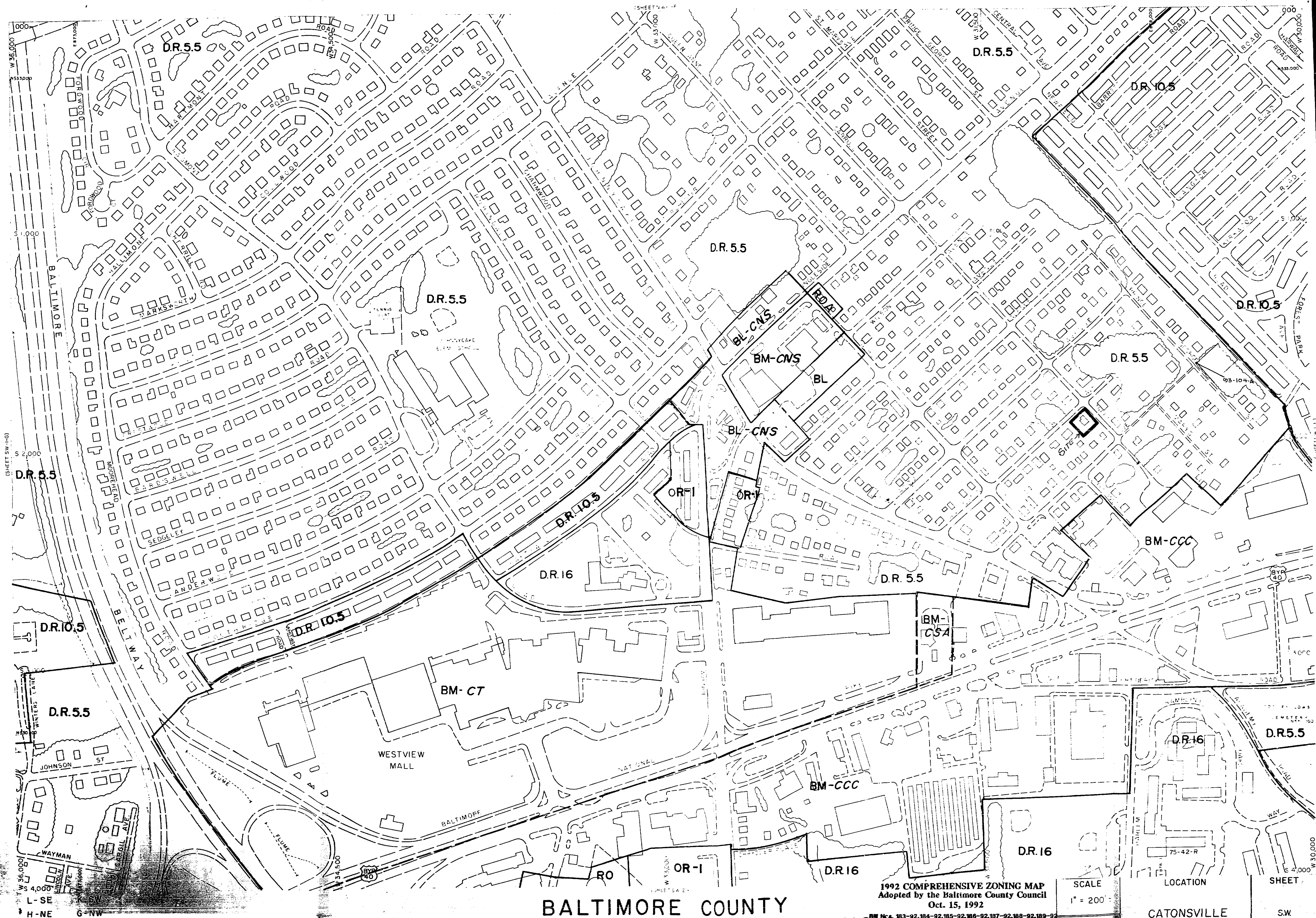
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 1995, a copy of the foregoing ENTRY of Appearance was mailed to Bismarck G. and Silvia A. Castaneda, 5617 Carroll Street, Baltimore, MD 21207, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

[illegible]



THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

BM No.s. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William A. Howard IV
Chairman, County Council

SCALE
1" = 200'
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
CATONSVILLE

SHEET
SW
1-F

96-175-A